

**FILED**  
CHARLOTTE, NC

APR 28 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC**

MEINEKE CAR CARE CENTERS, INC., )

CIVIL ACTION NO.

Plaintiff, )

3:09-CV-527

vs. )

**ORDER AND PRELIMINARY  
INJUNCTION**

MOHAMMAD BASHIR MIRAJ, )

Defendant. )

**THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD** before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgment, or order as the case may be, against Defendant Mohammad Bashir Miraj; and

**IT APPEARING TO THE COURT** that the Verified Complaint was filed on December 11, 2009 and Summons issued in this action on December 11, 2009, which Complaint and Summons were served on Defendant December 19, 2009; and

**IT FURTHER APPEARING TO THE COURT** that no answer or other responsive pleading was timely served or filed by Defendant and no extension of time to serve or file such a pleading has been granted and that the time for Defendant to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

**IT FURTHER APPEARING TO THE COURT** that based on the default of Defendant having been duly entered according to law, and upon the application of Plaintiff in this action, judgment should be entered against Defendant pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default and Preliminary and Permanent Injunction.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
that:

1. Defendant Mohammad Bashir Miraj cease and refrain from, for a period of one (1) year from the date of compliance with this judgment, directly or indirectly (such as through corporations or other entities owned or controlled by him) owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of Center No. 2050 located at 1734 Merritt Boulevard, Baltimore, MD 21222, or within a radius of six (6) miles of the premises of former Center No. 2050, including the business at former Meineke Center No. 55 located at 900 Eastern Boulevard, Baltimore, MD 21221, which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Center existing as of the date Defendant's Franchise Agreement terminated on November 14, 2009 which business repairs or replaces exhaust system components, brake system components, or shocks and struts.

2. Defendant Mohammad Bashir Miraj cease using and/or remove and/or have removed any names, marks, signs, forms, advertising, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which are identified or associated with the Meineke name, logo, marks or trade dress, or which contain a name, logo, mark or trade dress confusingly similar to the Meineke name, logo, marks or trade dress, including, but not limited to the black and yellow signage that lists Meineke's services and the Meineke signs from the businesses located at 1734 Merritt Boulevard, Baltimore, MD 21222.

3. Defendant Mohammad Bashir Miraj cease making any representation or statement that he or the business located at 1734 Merritt Boulevard, Baltimore, MD 21222 is in any way approved, endorsed or licensed by Meineke, or is identified with Meineke in any way.

4. Defendant Mohammad Bashir Miraj do everything required by the telephone company and Meineke to release or cause the release or transfer to Meineke of the telephone

numbers (410) 288-9494 now being used by Defendant's business located at 1734 Merritt Boulevard, Baltimore, MD 21222 which has been advertised extensively in conjunction with Meineke's name, logo and Marks.

5. Defendant Mohammad Bashir Miraj return to Meineke all signs, forms, manuals, supplies, computer software, products, merchandise and all other things and materials of any kind at Defendant's business located at 1734 Merritt Boulevard, Baltimore, MD 21222 which are identified or associated in the mind of the consuming public with Meineke.

SO ORDERED, this 28<sup>th</sup> day of April 2010.

